***HON'BLE SRI JUSTICE BILAL NAZKI***

***AND***

***HON'BLE SRI JUSTICE RAMESH RANGANATHAN***

***WRIT PETITION NO. 25101 OF 2001***

DATE: 06.09.2007

Between:

K. Somaiah.

...Petitioner

AND

Deputy Transport Commissioner and Secretary Regional Transport Authority, Warangal

.....Respondents

***HON'BLE SRI JUSTICE BILAL NAZKI***

***AND***

***HON'BLE SRI JUSTICE RAMESH RANGANATHAN***

***WRIT PETITION NO. 25101 OF 2006***

***ORAL ORDER: (per Hon'ble Sri Justice Bilal Nazki)***

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The Auto Rikshaw with 12 passengers was plying as stage carriage while it has permit of contract carriage. Therefore, a show cause notice was issued to the petitioner and after wards an order was passed by which he was asked to pay Rs. 11,136/- and also penalty of Rs. 22,272/- . By virtue of the order of this court the petitioner has paid Rs. 1,863/- and balance of Rs. 31,545/- admitted by him. The issues which fall for consideration in this Writ Petition are covered by a larger bench judgment of this Court reported in L. ROYAL REDDY VS. GOVERNMENT OF A.P[1]. As the petitioner had a contract carriage permit, tax could not be charged as a stage carriage even if the conditions of the permit had been violated.

Therefore, the Writ Petition is allowed and the liberty is given to the respondents to proceed against the petitioner in terms of law if they so advised.

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BILAL NAZKI, J

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RAMESH RANGANATHAN, J

Date: 06.09.2007
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[1] 2002 (4) ALD 224